

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

BRIAN TACKETT,

PLAINTIFF

V.

NO. 2:04CV312-WAP-EMB

LINDA TACKETT, ET AL.,

DEFENDANTS

ORDER

Upon consideration of the file and record of this action, the Court finds that the Report and Recommendation of the United States Magistrate Judge dated August 23, 2005, was on that date duly served by regular mail upon the *pro se* plaintiff; that more than ten days have elapsed since service of said Report and Recommendation; and that no objection thereto has been filed or served by any party. The Court is of the opinion that the magistrate judge's Report and Recommendation should be approved and adopted as the opinion of the Court. It is, therefore

ORDERED:

1. That the Report and Recommendation of the United States Magistrate Judge dated August 23, 2005, is approved and adopted as the opinion of the Court;
2. That the Complaint is hereby dismissed without prejudice for plaintiff's failure to effect service of process in accordance with FED.R.CIV.P. 4(m).
3. That the Clerk shall forthwith close this case.

THIS, the 22nd day of September, A.D., 2005.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE